

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINDON DIVISION**

**CRIMINAL MINUTES – MOTION HEARING AND JURY TRIAL
Day 1**

Case No.: 1:17CR00027

Date: 4/29/2019

Defendant: Joel A. Smithers / Bond

Counsel: Donald Williams, Jr. / Appointed

PRESENT: JUDGE: James P. Jones, USDJ
Deputy Clerk: Lottie Lunsford
Court Reporter: Donna Prather, OCR
U. S. Attorney: Randy Ramseyer, Zachary T. Lee, Cagle Juhan
USPO: N/A
Case Agent: Michael Patrick Long, DEA
Interpreter: N/A

Time In Court: 9:04 - 10:00 a. m.; (Motion Hearing) 56 minutes

Time In Court: Jury Trial - 10:01 a. m. - 12:10 p. m.; 12:28-1:38 p. m.; 1:54-2:41 p. m.
(4 hours, 6 minutes)

Time In Court: Motion Hearing 2:48-3:20 p. m. (32 minutes)

PROCEEDINGS:

Counsel and defendant present and ready to proceed with Motion Hearing before trial.

Court sealed at 9:09 and Government counsel removed

Defendant's Motion for Reconsideration (DE 146) of (DE) 145 Order on Motion to Withdraw as Attorney heard. Court hears from defense counsel and defendant as to the motion.

Court unsealed at 9:30 a. m. Government counsel returns to the courtroom.

Court denies motion as stated from the bench. Court also denies (DE 125) Motion to Continue-Ends of Justice for Jury Trial as stated from the bench.

Government moves to dismiss count 101 of the Superseding Indictment as stated. Court grants motion.

44 jurors present and sworn on Voir Dire.

9 jurors excused by the Court

Jurors removed. Government moves to strike juror Bradley Lowe as stated. Defendant's response in opposition heard. Court overrules motion as stated from the bench.

Defendant's moves to strike juror Shirley Buchanan as stated. Government's response in opposition heard. Court overrules motion as stated from the bench.

Jurors return to the courtroom.

14 member jury impaneled and sworn. Remaining jurors discharged.

Preliminary remarks and instructions to jury by Court.

Jurors excused for the day to return at 9:00 a. m. on 4/30/2019

Defense witness Lennie Hatshorne released by the Court and directed to return on 5/9/2019.

Court hears government's response to defendant's Motion in Limine (DE 131) and defendant's Motion to Suppress Evidence of Alleged HPMP Violation (DE 153).

Court denies the motions as moot based on the government's representations.

Court overrules defendant's motion in Limine to Exclude Similar Acts (DE 156) as stated from the bench and takes Government's Motion to Exclude Expert Testimony or in the alternative hold Daubert hearing (DE 159) under advisement as stated.